

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JERRY SHAW-YAU CHANG

Plaintiff,

vs.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA, et al.

Defendants

) Case No.: C-04-0125 JSW (E-FILE)

) **[PROPOSED] SIXTH STIPULATED**
) **ORDER CONTINUING HEARING ON**
) **MOTION TO DISMISS AND INITIAL**
) **CASE MANAGEMENT CONFERENCE**

) Current Hearing Date: May 20, 2005

WHEREAS, Defendant Twin City Fire Insurance Company (“Twin City”) has filed a Motion to Dismiss Plaintiff’s Complaint, the hearing on which is currently scheduled for hearing on May 20, 2005; and

WHEREAS Magistrate Larson issued an ADR Scheduling Order on January 9, 2004; and

WHEREAS, the Court has scheduled the Initial Case Management Conference for May 20, 2005; and

WHEREAS, the parties have been engaged in an ongoing mediation before Judge Daniel Weinstein, ret. and in lengthy further negotiations over the documentation of a

settlement in principle that has now been funded and, on April 27, 2005, was documented in signed Stipulations of Settlement and signed Releases; and

WHEREAS, the settlement involves resolution of a proposed class action under the Federal securities laws that requires court approval, and is further conditioned on issuance of a court finding that the settlement is in “good faith” and that cross-claims arising out of the settled litigation are barred; and

WHEREAS, the necessary motions will be filed before Judge ~~Breyer~~ of the U.S. District Court, Northern District of California, within the next ten days; and

WHEREAS, the parties wish to avoid further costs of litigation while awaiting the outcome of these motions and passage of the applicable deadlines for appeal; and

WHEREAS, the parties therefore wish to continue the hearing on Twin City’s Motion to Dismiss, and the Initial Case Management Conference, 120 days from May 20, 2005, or as soon thereafter as the Court’s calendar may permit; and

Based on the parties’ stipulation, and good cause appearing,

IT IS ORDERED that the hearing on Twin City’s Motion to Dismiss, and the Initial Case Management Conference, are continued to September 23, 2005 at 9:00 a.m.

IT IS FURTHER ORDERED that the parties’ opposing and reply papers respecting Twin City’s Motion to dismiss shall be due 21 and 14 calendar days prior to the continued hearing, respectively;

IT IS FURTHER ORDERED: that the parties’ last day to:

- (a) File the Joint ADR Certification with Stipulation to ADR process, or Notice of Need for ADR Phone Conference shall be 21 days before the Initial Case Management Conference;
- (b) Meet and Confer re Initial Disclosures and Rule 26(f) Report shall be 21 days before the Initial Case Management Conference;
- (c) Complete Initial Disclosures or State Objections in Rule 26(f) Report and file and serve Rule 26(f) Report shall be 7 days before the Initial Case Management Conference; and

(d) File a Case Management Conference Statement shall be 7 days before the Initial Case Management Conference.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: April 29, 2005 /s/ Jeffrey S. White

JEFFREY S. WHITE
United States District Court Judge

SO STIPULATED.

Dated: April 29, 2005 DON A. LESSER & ASSOCIATES

By: /s/
DON A. LESSER
Attorneys for Plaintiff

Dated: April 29, 2005 KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

By: /s/
KATHY M. SARRIA
Attorneys for National Union Fire Insurance Co.

Dated: April 29, 2005 KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

By: /s/
KATHY M. SARRIA
Attorneys for New Hampshire Company incorrectly
sued as Certain Underwriters at Lloyd's London

Dated: April 29, 2005 LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/
ROBERT A. WOOTEN, JR.
MICHAEL K. JOHNSON
Attorneys for Royal Insurance Company of America

Dated: April 29, 2005

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Dated: April 29, 2005

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By: ____/s/____

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Dated: April 29, 2005

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Attorneys for Certain Underwriters at Lloyd's London

Dated: April 29, 2005

TUCKER ELLIS & WEST LLP

By: ____/s/____

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